



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Pat nt and Trad mark Office**

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T.D

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/820,430 03/29/01 JACKSON

M 3085R

EXAMINER

IM52/1002

THE LUBRIZOL CORPORATION  
PATENT ADMINISTRATOR - MAIL DROP 022B  
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MEDLEY, M

ART UNIT

PAPER NUMBER

1714

DATE MAILED:

10/02/01

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**Pl ase find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/820,430

Applicant(s)

JACKSON et al

Examiner

MEDLEY

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP0 947,576 A1 Fuentes-Afflick et al in view of Friihauf 4,129,508 and WO93/21,288 Bloch et al.

Fuentes-Afflick et al disclose and teach a fuel, e.g., gasoline composition comprising (a) an amine and (b) an ester, a concentrate comprising a solvent and (a) and (b), and a method for reducing fuel consumption in an internal combustion engine, ICE, comprising operating said engine with said fuel composition, note abstract, page 10, lines 1 to 49, and page 6 lines 40-49, and claims 1 and 35-36.

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Fuentes-Afflick et al are silent to the alkoxylated fatty amine of claim 4. It would be obvious to the artisan in the art to add the alkoxylated fatty amines of the formula of the instant claim in view of Friihauf.

Friihauf teaches (c) alkoxylated amine compound of the instant claimed formula as conventional compounds for fuels and lubricants, note column 5 lines 1-46 and column 6 lines 17-30. Bloch teaches that the components (a) and (b) in a concentrate is conventional and well-known, note the examples and claims. It would be obvious to the artisan in the art to add the alkoxylated amines of the secondary reference to the fuel additive, methods and fuel compositions of Fuentes-Afflick et al to provide the same attendant function as the amine compounds as taught and suggested by Bloch.

Claims 11-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO 947,576 A-1 Fuentes-Afflick et al in view of Friihauf 4,129,508 and WO93/21,288 Bloch et al as applied to claims 1-10, 15 and 18-19 above, and further in view of Wyman 3,250,715.

Applicants further claim a pour point depressant wherein Fuentes-Afflick et al are silent to said component. It would be obvious to the artisan in the art to add a pour point depressant to the additive, fuel compositions and methods of the primary reference in view of Wyann teachings that their pour point depressant is conventionally used in lubricant oils. Since the solvent of the primary reference would include mineral oil, a conventional lubricant oil, it would be obvious to add the secondary reference depressant for the same intended purpose.

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Claims 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO947,576 A-I Fuentes-Afflick et al in view of Friihauf 4,129,508 and WO93/21,288 Bloch et al as applied to claims 1-10, 15, and 18-19 are above, and further in view of Schilowitz 5,094,667, Pierce-Ruhland 5,407,453, Malfer et al 5,967,988 and Moreton 5,876,468.

Applicants further claim specific detergents not disclosed by Fuentes-Afflick et al. It would be obvious to the artisan to add the specific detergents of Schilowitz, Pierre - Ruhland, Malfer et al and Moreton to the fuel composition, concentrate and method of Fuentes - Afflick et al. Schilowitz teaches detergents produced from alkyl phenol and acrylnitrile, note column 6, lines 55 to column 5 line 60 and abstract. Pierce - Ruhland teaches polyisbutyl aminoethylenethanolamine, note abstract. Molfer et al, note abstract and Moreton, note abstract, teaches Mannich reaction product. The secondary references teach that their amine detergents as conventional fuel detergents. It would be obvious to the artisan in the art to add the secondary reference detergents to the concentrate, composition and methods of the primary reference because they are conventional well-known detergents and are expected to perform the same detergent properties.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bloch et al WO93/21,288, note examples 1-6 and claims 1-15.

The claims are clearly anticipated by Bloch et al with teaching to lubricant oils, e.g. mineral oil a conventional hydrocarbon solvent, comprising (a) alkoxylated fatty amine and (b) a partial ester.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3 and 5-8 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Fuentes-Afflick et al, note abstract, column 14, lines 52-67 and Table II, Example 6, Table III and Examples 9-11.

The prior art cited but not applied further teaches additives and fuel compositions comprising additives of the same nature as claimed by applicants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret B. Medley whose telephone number is (703) 308-2518. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.B. Medley/dh

September 26, 2001

  
MARGARET MEDLEY  
PRIMARY EXAMINER